HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No. 5953 OF 2006

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Between:

Captain K.M. Saxena

……Petitioner

And

The Union of India, rep. by its

Secretary, Ministry of Law, Justice and

Company Affairs, New Delhi – 110 011

and two others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Captain K.M. Saxena,

Petitioner in person

Counsel for Respondent No.1 : Sri A. Rajasekahr Reddy

Counsel for Respondent No.2 : None

Counsel for Respondent No.3 : Sri C.V. Nagarjuan Reddy

Dated: 26-04-2006

Per G.S. SINGHVI, CJ

In this petition filed in the name of public interest, the petitioner has made the following substantive oprayer.

> "For the reasons stated in the affidavit herein above, the petitioner herein prays that this Hon'ble Court may be pleased to call for records from the respondents pertaining to the issues raised herein above and any other matter that may be touching upon the issues raised in this petition and issue necessary direction, order or writ; more appropriately one in the nature of a writ of mandamus; and 'declare the inaction of the respondents herein in (a) initiating process for the appointment of Judges to the Hon'ble High Court of A.P., Hyderabad to fill-up existing vacancies in terms of Articles 217 and 224 (1) of the Constitution of India, (b) initiating process for the appointment of Retired Judges to meet the work-load arrears in the High Court of A.P., Hyderabad (AP) under Article 224-A of the Constitution of India and (c) initiating any process for the appointment of additional officers of subordinate judiciary under the provisions of Articles 233 and 234 of the Constitution of India as being violative of Fundamental Right to Speedy Trial/Justice of all citizen guaranteed under Article 21 of the Constitution of India and therefore ultra vires'.

And in the meanwhile;

> 'direct the Respondents herein to initiate process in accordance with Articles 217, 224-A, 233 and 234 of the Constitution of India for the appointment of Judges of this Hon'ble High Court as well as judicial officers in the State cadre' and pass such other direction, order or orders that may be deemed to be just and necessary and also in the interest of justice by this Hon'ble Court"

At the hearing, the petitioner submitted that he may be given permission to withdraw the writ petition at this stage, because, issue relating to recruitment to judicial service and appointment of the High Court Judges is pending before the Supreme Court.

The request of the petitioner is accepted and the writ petition is dismissed as withdrawn. Needless to say that, if any such contingency arises in future, the petitioner shall have liberty to file fresh petition.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD,J

26-04-2006

ks/GRR